

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:21-cr-30033-DWD
)	
LANCE T. HARLAN,)	
)	
Defendant.)	

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is Defendant's Motion for a 2-Point Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821 – Part B, Subpart 1. (Docs. 56, 61, 63). Consistent with Administrative Order 362, the Court directed the Federal Public Defender ("FPD") to enter an appearance to determine whether Defendant is eligible for relief. (Doc. 65). AFD Todd M. Schultz entered his appearance for Defendant before filing a Motion to Withdraw, asserting there is no meritorious basis for Defendant to obtain relief under Amendment 821. (Docs. 66 & 67). In short, AFD Schultz notes that since Defendant received a statutory mandatory minimum sentence of 60 months imprisonment (Doc. 47), that sentence cannot be further reduced by retroactive application of Amendment 821. (Doc. 67, pg. 1). Notably, the Motion to Withdraw indicates the United States Probation Office concurs in this assessment. (Doc. 67, pg. 2). Defendant has not filed a Response to the Motion to Withdraw, despite AFD Schultz's mailing of that Motion to Defendant and the Court's Orders. (Docs. 65; 67, pgs. 2-3; 68).

Now, under Part B of Amendment 821, offenders with zero criminal history points, whose offense did not involve any of the specified aggravating factors, shall receive a two-level decrease in their offense level. However, for the reasons outlined in the Motion to Withdraw, as confirmed by the United States Probation Office, the Court agrees that Defendant is not entitled to relief under Part B of Amendment 821. Defendant received a statutory mandatory minimum sentence, such that he is ineligible for a further reduction.

Accordingly, the Motion for a 2-Point Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and Part B of Amendment 821 is **DENIED**. The Motion to Withdraw is **GRANTED**. The Judgment of June 23, 2022, remains in full force and effect. (Doc. 47).

SO ORDERED.

Dated: March 4, 2024

s/ David W. Dugan

DAVID W. DUGAN
United States District Judge